

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

NWS Corporation, a Massachusetts
corporation,

Plaintiff,

vs.

DISH NETWORK, LLC, a Colorado
limited liability company,

Defendant.

CASE NO. 13cv2247-GPC(BGS)

**SUPPLEMENTAL ORDER
GRANTING DEFENDANT'S
MOTION FOR ATTORNEY FEES**

Defendant DISH Network L.L.C. ("DISH") seeks this supplemental order awarding attorney fees against Plaintiff NWS Corporation ("NWS"). On September 20, 2013, NWS sought a Temporary Restraining Order against DISH. (Dkt. No. 4.) The court denied NWS's application on September 30, 2013. (Dkt. No. 16.) After DISH filed a motion to dismiss NWS's Complaint on October 24, 2013, (Dkt. No. 23), NWS voluntarily dismissed all claims against DISH under Federal Rule of Civil Procedure 41. (Dkt. No. 25.) In response, DISH moved for attorney's fees and costs. (Dkt. No. 28.)

On February 25, 2014, the Court Granted in Part and Denied in Part DISH's fee motion (the "February 25, 2014 Order"). (Dkt. No. 41.) Specifically, the Court awarded DISH fees in connection with its TRO opposition, settlement discussions, motion to dismiss (from September 27, 2013 to October 3, 2013), and attorney fee motion. (Id.) The February 25, 2014 Order did not specify a sum certain for fees incurred in connection with DISH's motion to dismiss, as those fees were not readily

1 ascertainable from the record.

2 On March 25, 2014, DISH filed a Supplemental Brief in Support of Motion for
3 Attorney Fees (the "Supplemental Brief"), requesting the Court to issue a supplemental
4 order specifying the amount of fees awarded in connection with DISH's motion to
5 dismiss, the total amount of fees awarded to DISH, and the date by which NWS must
6 pay DISH all of the awarded fees. (Dkt. No. 42.) The Supplemental Brief provided
7 contemporaneously recorded billing records, a declaration describing the billing entries
8 incurred in connection with each compensable task, and the total amount of the award.
9 (Id.) DISH also stated its intent to initiate formal proceedings to enforce the fee award.
10 (Id.) According to Dish, Plaintiff's counsel has indicated it had no disagreement as to
11 the amount of the fees spent on the motion to dismiss. On March 31, 2014, Plaintiff
12 filed an objection to the supplemental filing arguing that setting a time deadline when
13 NWS is required to pay Dish those fees is improper. (Dkt. No. 43.) The Court agrees.
14 Dish does not provide any legal authority to support its request for a time deadline.


15 Having considered the parties' papers, including arguments, authority, and
16 supporting declarations, and for good cause shown, the Court ORDERS the following:

17 1. In connection with the February 25, 2014 Order, DISH is awarded \$112,600.25
18 in attorney fees. This amount is calculated as follows: (a) \$56,575.50 in opposing
19 Plaintiff's TRO application, (b) \$7,854.00 in settlement discussions, (c) \$35,533.75 in
20 preparing DISH's motion for attorney fees, and (d) \$12,637.00 in preparing DISH's
21 motion to dismiss from September 27, 2013 to October 3, 2013.

22 2. Upon expiration of any relevant time periods for appeal, this Order may be
23 certified for enforcement in any other district court or judicial district pursuant to 28
24 U.S.C. § 1963.

25 IT IS SO ORDERED.

26 DATED: April 1, 2014

27 
28 HON. GONZALO P. CURIEL
United States District Judge